

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI
JACKSON DIVISION

THOMAS MOORE, INDIVIDUALLY
AND ON BEHALF OF ALL WRONGFUL
DEATH BENEFICIARIES AND HEIRS AT
LAW OF CHARLES MORE, DECEASED;
THELMA COLLINS, INDIVIDUALLY,
AND BEHALF OF ALL WRONGFUL
DEATH BENEFICIARIES AND HEIRS
AT LAW OF HENRY DEE, DECEASED

PLAINTIFF

VS.

CIVIL ACTION NO. 3:09CV236TSL-JCS

FRANKLIN COUNTY, MISSISSIPPI

DEFENDANT

ORDER

It is hereby ordered that the motion of movant James Edward Seale to quash the subpoena issued requiring him to give a deposition is granted. The court finds that the contested subpoena issued by this court, which commanded Seale, a non-party witness, to appear for a deposition in Terre Haute, Indiana, where he is currently incarcerated by the United States Bureau of Prisons, is facially invalid. A subpoena commanding attendance at a deposition must issue from the court where the deposition is to be taken. Fed. Rule Civ. P. 45(a)(2))(B)¹.

SO ORDERED, this the 8th day of August, 2009.

S/ James C. Sumner
UNITED STATES MAGISTRATE JUDGE

¹ As Mr. Seale is incarcerated, it would also seem that Rule 30 (a)(2) is implicated.